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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,972	07/11/2003	Kazuhiro Matsumoto	500.42876X00	.2869

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EXAMINER

TRJEU, THERESA

ART UNIT PAPER NUMBER

3748

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,972	Applicant(s) MATSUMOTO ET AL.	
	Examiner Theresa Trieu	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the applicants' amendment filed on March 1, 2005.

This Office Action is responsive to the applicants' election/Restriction - amendment filed on March 30, 2001.

Claims 7-10 have been canceled. Thus, claims 1-6 are pending in this application.

The amendments and arguments presented by the applicant have been duly noted. In view of such, the previous rejections in the first Office Action have been withdrawn. However, an updated search and further review of the prior art of record, has prompted the new non-final rejections presented below.

Drawings

1. The drawings were received on March 1, 2005 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Walls (Patent Number 3,282,495) or Yoshimura et al. (Yoshimura) (Publication Number JP 04-358787).

Regarding claims 1-3, Walls (as shown in Figs. 1-3) or Yoshimura (as shown in Fig. 1) discloses a screw compressor comprising a casing, a male (30 in Walls; 1 in Yoshimura) and a female rotor (31 in Walls; 2 in Yoshimura) formed with axially twisted screw grooves rotors

Art Unit: 3748

being and accommodated the casing, the both rotated by timing gears fixed to the respective rotors while a desired, minute gap (not numbered; however, clearly seen in Fig. 3 in Walls; see abstract in Yoshimura) kept therebetween, and the respective rotors comprising concave stripes (read by the Examiner as the concave stripes having a reference number 50 in Walls; 4 in Yoshimura) having a minute depth and provided on the respective screw grooves to extend along directions of twist thereof; the concave stripes (50 in Walls; 4 in Yoshimura) being provided on whole surfaces of the respective screw grooves; curved surfaces of the both rotors (30, 31 in Walls; 1, 2 in Yoshimura) comprising a combination of a convex surface and a convex surface, than in those regions, curved surfaces of the both rotors (30, 31 in Walls; 1, 2 in Yoshimura) comprising a combination of a convex surface and concave surface.

Regarding claims 5 and 6, Iguchi further discloses means (not numbered; however, clearly seen in Fig. 1 in Walls) for increasing fluid resistance against an air is provided on the concave stripes (50 in Walls; 4 in Yoshimura)/a roughness concave stripes in those regions, in which a movement path of a minimum portion of a minute gap formed between the both rotors (30, 31 in Walls; 1, 2 in Yoshimura) at the time of rotation of the both rotors intersects the concave stripes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura '787 in view of design choice.

Yoshimura discloses the invention as recited above; however, Yoshimura fails to disclose a concave stripes at bottoms of the screw grooves on the male rotor are smaller in respective widths and pitch spaces between adjacent ones are smaller than the others.

It is examiner's position that one having ordinary skill in the screw compressor art, would have found it obvious to utilize the size of the concave stripes at bottoms of the screw grooves on the male rotor and the size of the pitch spaces, since they are merely design parameters, depending on the design variables such as the load applied to the screw compressor and the viscosity of the lubricating fluid. Moreover, there is nothing in the record which establishes that the claimed size of the concave stripes and the pitch spaces, presents a novel of unexpected result (See *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975)).


Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm. The new telephone number is 571-272-4868 that will become effective after November 22, 2004.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The new telephone number is 571-272-4859 that will become effective after November 22, 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT


Theresa Trieu
Primary Examiner
Art Unit 3748